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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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Applicant	Integrated Prescription Solutions, Inc.
Applied for Mark	INTEGRATED PRESCRIPTION SOLUTIONS
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application of  
Integrated Prescription Solutions, Inc.

Application Serial No. 77/813409  
Filed: August 26, 2009  
For: INTEGRATED  
PRESCRIPTION SOLUTIONS

Trademark Attorney: Carol Spils

Trademark Law Office: 104

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**BRIEF FOR APPLICANT**

**I. INTRODUCTION**

Pursuant to a Notice of Appeal filed with the Trademark Trial and Appeal Board on January 3, 2011 and denial of the Request for Reexamination on March 1, 2011, Applicant hereby appeals from the Examining Attorney's final refusal to register Applicant's INTEGRATED PRESCRIPTION SOLUTIONS & Design mark, dated July 2, 2010, and respectfully requests the Trademark Trial and Appeal Board reverse the Examining Attorney's decision on the ground that the Applicant's mark does not create a likelihood of confusion with the marks cited by the Examining Attorney and is not "merely descriptive."

**II. STATEMENT OF FACTS**

Applicant seeks registration on the Principal Register of its INTEGRATED PRESCRIPTION SOLUTIONS & Design mark for "arranging of managed care contractual services in the fields of pharmacy benefit management, durable medical equipment, home health equipment, home therapy services, translation and transportation services" in International Class No. 35, and "administration of pre-paid healthcare plans; administration of preferred provider plans in the field of healthcare insurance; claims administration services in the fields of workers'

compensation and automobile personal injury protection coverage; providing information in the field of workers' compensation and automobile personal injury protection coverage" in International Class No. 36. The trademark application was filed on August 26, 2009, and received U.S. Trademark Application Serial No. 77/813,409.

The Examining Attorney refused registration of Appellant's INTEGRATED PRESCRIPTION SOLUTIONS & Design mark in an Office Action, dated December 9, 2009, contending (1) that the applied-for mark so resembles various registered marks (the "cited marks") that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of Applicant and the registrants, and (2) that the applied-for mark describes features of Applicant's services. Specifically, the cited marks are:

PRESCRIPTIONSOLUTIONS (word mark) - Registration No. 3,709,895  
(hereinafter '895);

PRESCRIPTION SOLUTIONS (word mark) - Registration No. 3,543,198 ('198);  
RX PRESCRIPTION SOLUTIONS & Design – Registration No. 2,832,357  
( '357);

PRESCRIPTION SOLUTIONS (word mark) – Registration No. 1,917,044 ('044);  
PRESCRIPTION SOLUTIONS (word mark) – Registration No. 1,888,829 ('829).

In Applicant's response to the initial refusal to register, filed on June 9, 2010, Applicant argued that the INTEGRATED PRESCRIPTION SOLUTIONS & Design word mark is substantially different from the cited marks, in that the term "integrated" added to "prescription solutions" significantly distinguishes Applicant's mark from the cited marks, the terms "prescription" and "solutions" are diluted, and the services and channels of trade are dissimilar as between Applicant's mark and the cited marks, so that there would not be a likelihood of confusion between the marks. Applicant further argued that Applicant's mark is suggestive, not merely descriptive, as it requires a consumer to make an imaginative leap from the mark to the services for which the mark is used.

The Examining Attorney expounded her position in a Final Office Action, dated July 2, 2010, maintaining that the applied-for mark so resembles various registered marks (*see* June 9, 2010 Final Office Action, identifying the "cited marks") that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the

Applicant and the registrants, and that Applicant's mark merely describes a feature of Applicant's services. The Examining Attorney supported her refusal by citing to registered marks and Internet evidence showing third-party use of the terms "prescription solutions" and "integrated prescription."

In response thereto, Applicant requested reconsideration of the Examining Attorney's final refusal on January 3, 2011, further arguing that the marks are distinguishable, the services are only tangentially related and the purchasers are sophisticated. Applicant also argued that the phrase "prescription solutions" should be afforded less weight in the *DuPont* analysis because it has been diluted through pervasive use in the healthcare industry. Finally, Applicant argued that Applicant's mark is suggestive, not merely descriptive, as it requires a consumer to make an imaginative leap from the mark to the services for which the mark is used. Applicant concurrently filed a Notice of Appeal on January 3, 2011.

The Examining Attorney denied Applicant's request for reconsideration on March 1, 2011, maintaining her earlier rejections on the same bases.

On March 1, 2011, the Trademark Trial and Appeal Board ("TTAB") mailed a letter resuming the appeal and allowing Applicant sixty days from the mailing date in which to file its Appeal Brief. Accordingly, Applicant hereby files its Appeal Brief in compliance with the TTAB's letter of March 1, 2011.

### **III. ARGUMENT**

#### **A. SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION**

The ultimate question for determining the issue of likelihood of confusion is "whether the marks will confuse [relevant consumers] into believing that the goods [or services] they identify come from the same source." *In re West Point-Pepperell, Inc.*, 468 F.2d 200, 175 U.S.P.Q. 558 (C.C.P.A., 1972).

#### **1. EACH OF THE DUPONT FACTORS SUPPORT A FINDING OF NO CONFUSION BETWEEN APPLICANT'S MARK AND THE CITED MARKS**

The test to determine whether there is a likelihood of confusion is set forth in *In re E.I. DuPont de Nemours & Co.*, 476, F.2d 1367 (C.C.P.A. 1973). Out of the several factors in the so-called *DuPont* test, (1) the similarity of the marks, (2) the similarity of the goods and/or

services and (3) the similarity of trade channels of the goods and/or services are the most important factors to consider. *See In re Opus One, Inc.*, 60 U.S.P.Q.2d 1812 (T.T.A.B. 2001); T.M.E.P. §§ 1207.01 *et seq.* Here, the cited marks are distinguishable, the services only tangentially related and the purchasers are sophisticated. In addition, the “prescription solutions” portion of Applicant’s mark in common with the cited PRESCRIPTION SOLUTIONS mark should be afforded less weight in the *DuPont* analysis because it has been diluted through pervasive use in the healthcare industry. Applicant addresses these points in greater detail below.

**a. The Integrated Prescription Solutions Mark Is Significantly Different From The Cited Marks As To Sight, Sound And Connotation**

The first step of the *DuPont* analysis favors Applicant because the marks are distinguishable. Applicant’s mark greatly differs from the cited registered marks. Here, the differences between the cited marks and applicant’s marks are more than enough to prevent consumer confusion. In making a comparison between marks, the Restatement of Torts § 729 notes that the marks are to be compared in sound, sight and meaning. However, even similarity as to one aspect of the sound, sight and meaning trilogy does not automatically result in a finding of a likelihood confusion. *In re Lamson Oil Co.*, 6 U.S.P.Q.2d 1041, n.4 (TTAB 1987).

First, Applicant’s mark does not sound like PRESCRIPTIONSOLUTIONS, RX PRESCRIPTION SOLUTIONS or PRESCRIPTION SOLUTIONS. Applicant’s mark consists of three words and a design element. On the other hand, the mark in the ’895 registration consists of one word, the marks in the ’198, ’044 and ’829 registrations consist of two words, and lastly, the mark in the ’357 registration consist of three words.

Second, the word portion of the marks obviously differ phonetically. The word portion of Applicant’s mark consists of ten (10) syllables, whereas the cited marks ranges from six to eight syllables. *Entrepreneur Media, Inc. v. Smith*, 279 F.3d 1135, 1145 (9th Cir. 2002) (where both marks were used in connection with publications directed to small businesses and their owners, the Court pointed out that the defendant’s mark contained “an entire four-syllable word” that plaintiff’s mark did not and the additional word “makes the mark ‘Entrepreneur Illustrated’ almost twice as long—to the eye and the ear—as the mark ‘Entrepreneur,’” calling these “noticeable” differences).

Third, the mark INTEGRATED PRESCRIPTION SOLUTIONS & Design differs in

sight from the cited marks. The stylized RX element in the '357 registration creates an obvious difference in sight to Applicant's mark, which consists of only three, non-stylized words. Also, the marks in '198, '044 and '829 registrations are visually different from Applicant's mark as they consist of two words, whereas Applicant's mark consists of three words and a design element.

More particularly, the design portion of Applicant's mark further distinguishes it from the cited marks. As part of the likelihood of confusion analysis, "it is essential to consider the marks' visual characteristics." *Barbecue Marx, Inc. v. 551 Ogden, Inc.*, 235 F.3d 1041, 1044 (7th Cir. Ill. 2000) (Where the marks BONE DADDY and SMOKE DADDY were found to be similar in sound; however, the logo accompanying each mark was distinctively different. Thus, "[t]he visual appearance significantly undercuts the ... argument that the marks are similar in appearance and suggestion."); *CareFirst of Md., Inc. v. First Care, P.C.*, 434 F.3d 263, 271 (4th Cir. Va. 2006) ("If one of two similar marks is commonly paired with other material, that pairing will serve to lessen any confusion that might otherwise be caused by the textual similarity between the two marks."). Here, design portion of Applicant's mark consists of two large interlocking shapes similar to a D or O that are approximately the same size as the entire word portion of the mark. See Attachment D. Further, the design portion is to the left of the word portion and, thus, the first portion of the mark that an ordinary consumer would notice. In fact, in the Final Office Action, none of the cited marks even include a logo element. See Final Office Action. Thus, the visual characteristics of Applicant's mark, i.e., the prominent design element, further distinguish it from the cited marks.

Where, as here, the common wording ("PRESCRIPTION SOLUTIONS") is highly suggestive, consumer confusion is unlikely as long as there is some basis to distinguish the marks. The Ninth Circuit recently reversed a district court's grant of summary judgment to plaintiff based on the differences created by additional wording in the defendant's mark. *Entrepreneur Media, Inc.*, 279 F.3d at 1145 (both marks used in connection with publications directed to small businesses and their owners). The Court noted that "[a] reasonable juror could, in this context, find 'Entrepreneur' and 'Entrepreneur Illustrated' dissimilar. *Id.* (emphasis added); see also *McGraw-Hill Publ'g Co. v. American Aviation Assocs.*, 117 F.2d 293, 295 (D.C. Cir. 1940) (finding confusion not probable between 'American Aviation' and 'Aviation' and relying in part on the fact that 'American Aviation' 'is composed of two words'). Here, the

addition of the word INTEGRATED, which connotes a multi-spectrum or broad practice, clearly distinguishes Applicant's mark from the two-word PRESCRIPTION SOLUTIONS marks.

Thus, the difference in sound and appearance, such as the additional word "INTEGRATED" and the Design element in Applicant's mark, create distinguishable elements that avoid any likelihood of confusion. This fact, in addition to the differences in the services and the sophistication of the purchasers discussed below, make consumer confusion unlikely.

Despite this well-settled authority, the Examiner appears to have determined likelihood of confusion by parsing out the phrase "prescription solutions," and considering that phrase separately from the first term of the mark, "integrated," and the Design element of Applicant's mark. However, "[t]he commercial impression of a trade-mark is derived from it as a whole, not from its elements separated and considered in detail." *Estate of P. D. Beckwith, Inc. v. Commissioner of Patents*, 252 U.S. 538, 545-46 (U.S. 1920) (emphasis added); *see also AutoZone, Inc. v. Tandy Corp.*, 373 F.3d 786, 795 (6th Cir. Tenn. 2004) ("Conflicting composite marks are to be compared by looking at them as a whole, rather than breaking the marks up into their component parts for comparison . . . . The rationale for the rule is that the commercial impression of a composite trademark on an ordinary prospective buyer is created by the mark as a whole, not by its component parts.") (quoting 3 J. THOMAS MCCARTHY, MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION § 23:41, at 23-123 (2003) ("MCCARTHY ON TRADEMARKS")) (emphasis added). Accordingly, it is improper to focus on the terms "prescription" and "solutions" or the phrase "prescription solutions" while diminishing the other elements present in the mark, *i.e.*, the term "integrated," and the Design element of Applicant's mark. *See In Re The Hearst Corporation*, 982 F.2d 493, 494 (Fed. Cir. 1992) (finding VARGA GIRL for calendars was inappropriately refused registration for calendars due to VARGA for calendars, the court stated, "by stressing the portion "varga" and diminishing the portion "girl", the Board inappropriately changed the mark."). When considered in its entirety, the INTEGRATED PRESCRIPTION SOLUTIONS & Design mark differs significantly from the cited marks. A relevant consumer would immediately notice that the INTEGRATED PRESCRIPTION SOLUTIONS & Design mark appears longer than and sounds different from any of the cited marks and includes the term "integrated" that is not found in any of the cited marks. As the term "integrated" and the unique Design element of Applicant's mark are the most important parts of Applicant's mark in both sight and sound, relevant consumers would

weigh those elements much more heavily than the terms “prescription” and “solutions” or the phrase “prescription solutions.”

In addition, the Examiner appears to have downplayed the significantly different connotation elicited by the INTEGRATED PRESCRIPTION SOLUTIONS & Design mark. The connotation of Applicant’s mark differs significantly by virtue of the fact that it includes the term “integrated,” whereas none of the cited marks include a term even remotely close to that term. The Design element featuring two large interlocking shapes similar to a D or O that are approximately the same size as the entire word portion of the mark serves to further distinguish Applicant’s mark over the cited marks. Moreover, it is appropriate to give greater weight to the important or “dominant” parts of a composite mark. *See Kangol Ltd. V. KangaROOS U.S.A., Inc.*, 974 F.2d 161, 163 (Fed. Cir. 1992) (where two designs KANGOL and KANGAROOS, each featuring a kangaroo design under the KANG portion of the mark were found to be similar because the kangaroo was the dominant portion of the mark). With regard to the design element, none of the cited marks includes a design even remotely similar to the unique Design element of Applicant’s mark. With regard to the word portion of Applicant’s mark, relevant consumers would see and hear the dominant term “integrated” first. In addition, since the phrase “prescription solutions” is used pervasively throughout the healthcare industry, as evidenced by the Examiner’s cited marks, the term “integrated” would, to a large extent, stick out as the most important part of the mark. Further, as an adjective, the term “integrated” modifies the nouns “prescription” and “solutions,” which to the relevant consumer would also be an important consideration to determine the connotation of the whole mark. As such, more weight should be given to the term “integrated” to determine the connotation elicited by Applicant’s INTEGRATED PRESCRIPTION SOLUTIONS & Design mark. Therefore, because none of the cited marks include the term “integrated,” the INTEGRATED PRESCRIPTION SOLUTIONS & Design mark also differs significantly as to connotation.

Accordingly, when considered in its entirety, relevant consumers would perceive the INTEGRATED PRESCRIPTION SOLUTIONS & Design mark differently than any of the cited marks as to sight, sound and connotation, including the PRESCRIPTION SOLUTIONS mark; thus it is not likely to confuse relevant consumers as to the source of the goods and/or services.



**b. The Goods And Services Sold In Connection With The  
Integrated Prescription Solutions Mark Are Different From  
Those Sold Under The Cited Marks**

The degree to which two services are similar is determined by looking at the degree to which the services compete with each other. *See Pizzeria Uno Corp. v. Temple*, 747 F.2d 1522, 1527, 224 U.S.P.Q. 185 (4th Cir. 1984) (“the similarity of the goods/services the marks identify”); *Westchester Media v. PRL USA Holdings*, 214 F.3d 658, 664, 55 U.S.P.Q.2d 1225 (5th Cir. 2000) (“the similarity of the products or services”). The issue is not whether the services are in fact related to each other, but whether consumers associate the services and expect them to come from the same source. *See CareFirst of Md., Inc. v. First Care, P.C.*, 434 F.3d 263, 272 (4th Cir. Va. 2006); *see also Brookfield Comm’ns, Inc. v. West Coast Ent’t Corp.*, 174 F.3d 1036, 1056, 50 U.S.P.Q.2d 1545 (9th Cir. 1999) (holding that in determining whether the goods are related, a court should ask whether “the consuming public is likely somehow to associate” the defendant’s with the plaintiff’s).

Applicant’s services are different from the services sold in connection with the cited marks. Applicant’s services are aimed at and provided to injured workers covered by worker’s compensation insurance and other insurance-policy holders. *See* Attachment D, Website Printouts. Applicant provides these consumers with a number of ancillary medical healthcare services such as durable medical equipment and supplies, home healthcare, home therapy including physical, occupational, and speech, and transportation and language translation services. *See* Attachment D. For example, Applicant’s services include supply of wheelchairs and other durable medical equipments. In contrast, the cited marks provide primarily online and mail-order pharmacy services. *See* Attachment E, Website Printouts. Online and mail-order pharmacy services are used primarily by consumers to obtain prescription drugs, including through programs such as Medicare, whereas Applicant’s service is limited to either worker’s compensation, auto-insurance, or other insurance covered individuals. As such, it is clear that a pharmacy, whether online or mail-order, is a different service from a service providing ancillary medical healthcare services to insured individuals. *See e.g. Carefirst*, 434 F.3d at 272 (finding dissimilar services where, “First Care only offers direct medical services to individuals. CareFirst does not; rather, it contracts with participating providers who agree to treat CareFirst members”).

**c. Applicant Offers Its Goods And/Or Services In Significantly Different Trade Channels**

Applicant operates in different trade channels from the cited marks. The cited marks are primarily used to offer online and mail order pharmacy services to general consumers. In contrast, Applicant's services include such diverse services as transportation, translation and home therapy services, which cannot be provided through the mail. *See* Attachment D. Of course, the channels of advertising are different as well since translation services, for example, would not be advertised through the same channels as mail order prescription drugs. Further, Applicant's services are specialized to the Worker's Compensation, Automobile, and Personal Injury Insurance markets, which comprise sophisticated consumers. *See* Attachment D; *see also Medici Classics Prods. LLC v. Medici Group LLC*, 590 F. Supp. 2d 548, 557 (S.D.N.Y. 2008) (the sophistication of a consumer can be inferred based on the nature of the product or its price), *citing Real News Project, Inc.*, 2008 U.S. Dist. LEXIS 41457, 2008 WL 2229830 at \*21.

**2. APPLICANT'S MARK MUST BE CONSIDERED IN ITS ENTIRETY**

Here importantly, the applied-for mark contains a unique Design element not found in the cited marks as well as the additional word "INTEGRATED" before the terms PRESCRIPTION and SOLUTIONS. As noted above, in determining a likelihood of confusion one must consider the effect of the mark taken as a whole. An additional term can make the mark distinctive. *See The Wooster Brush Company v. Prager Brush Co.*, 231 U.S.P.Q. 316 (TTAB 1986) (court found POLY PRO for paint brushes not likely to be confused with POLY GLO for paint applicators since the addition of other matter to a highly suggestive or descriptive designation, whether such matter is equally suggestive or even descriptive, or possibly nothing more than a variant of the term, may be sufficient to avoid confusion). *See also In re Texas Instruments Inc.*, 193 U.S.P.Q. 678 (TTAB 1976) (COPPER CLAD for copper coated carbon electrodes for electric cutting and gouging vs. COPPERCLAD and design for composite metal wire for use in electric conductors). As such, consumer confusion is unlikely when taking the INTEGRATED PRESCRIPTION SOLUTIONS & Design and PRESCRIPTION SOLUTIONS word and design marks *as a whole*. Here, the unique Design element as well as the additional term "INTEGRATED" distinguishes Applicant's mark from the cited marks, particularly as that term is prominently featured as the first and more significant word in the mark.

Further, the case law makes it clear that there is no rule that confusion is automatically likely if a junior user has a mark that contains the whole of another's mark. 3 J. THOMAS MCCARTHY, MCCARTHY ON TRADEMARKS § 23:41, at 23-123 (citing *Colgate-Palmolive Co. v. Carter-Wallace, Inc.*, 167 U.S.P.Q. 529 (C.C.P.A. 1970) and others). A likelihood of confusion can be avoided where the incorporated mark has been combined with other features in a manner that its identity is lost, or is so merged with those other features that, overall, the marks are deemed dissimilar in sight, sound and meaning. *Miller Brewing Co. v. Premier Beverages, Inc.*, 210 U.S.P.Q. 43, 48-49 (TTAB 1981) (no likelihood of confusion between MILLER and 'OL BOB MILLER'S even though both used for beverages); see also *McGraw-Hill Publ'g Co. v. American Aviation Assocs.*, 117 F.2d 293, 295 (D.C. Cir. 1940) (finding confusion not probable between 'American Aviation' and 'Aviation' and relying in part on the fact that 'American Aviation' is composed of "two words"); *Champions Golf Club v. Champions Golf Club*, 78 F.3d 1111, 38 U.S.P.Q.2d 1161 (6th Cir. 1996) ("When the primary term is weakly protected to begin with, minor alterations may effectively negate any confusing similarity between the two marks"). Here, it is improper to stress the terms PRESCRIPTION SOLUTIONS and discount the other elements associated with each mark such as RX or the Design element or in the case of Applicant's mark, the unique Design element and the significant term "INTEGRATED". Furthermore, it is worth noting that the word "PRESCRIPTION" has been disclaimed in four of the five cited marks.

The cases cited above also make it clear that use of one similar or identical term does not require a finding that the marks are confusingly similar. See *General Mills, Inc. v. Kellogg Co.*, 824 F.2d 622, 627 (8th Cir. 1987) ("Apple Raisin Crisp" and "Oatmeal Raisin Crisp" held not confusingly similar, since "[t]he use of identical, even dominant, words in common does not automatically mean that two marks are similar). Here, the marks are clearly distinguishable as a result of the addition of the unique Design element and of the word "INTEGRATED" in Applicant's mark. Accordingly, consumer confusion is unlikely to result from registration of Applicant's mark.

**3. THE “PRESCRIPTION SOLUTIONS” PORTION OF APPLICANT’S MARK SHOULD BE AFFORDED LESS WEIGHT BECAUSE THAT PHRASE HAS BEEN DILUTED AND MADE WEAK THROUGH PERVASIVE USE IN THE HEALTHCARE INDUSTRY**

Consumer confusion is even more unlikely to arise from the common use of the terms “PRESCRIPTION” and “SOLUTIONS” because they are used and registered for a variety of goods and services. See MCCARTHY ON TRADEMARKS § 11:86 (1998) (“Marks like ACME and NATIONAL, which are in common use by many sellers, are not entitled to the same scope of protection as strong marks like POLAROID and KODAK”). The Federal Circuit has noted:

Where a mark is commonly used on numerous types of goods and services by different companies, a term such as PREMIUM, SUN, BLUE RIBBON, NATIONAL, GIANT or AMERICAN, it may be reasonable to infer in some situations that purchasers have been conditioned to expect different sources for specifically different goods or services even though such goods or services might be deemed sufficiently related to be attributable to a single source under an un-commonly used mark.

*Champions Golf Club v. Champions Golf Club*, 78 F.3d 1111, 38 U.S.P.Q.2d 1161 (6th Cir. 1996) (“When the primary term is weakly protected to begin with, minor alterations may effectively negate any confusing similarity between the two marks”); *Sure-Fit Prods. Co. v. Saltzson Drapery Co.*, 254 F.2d 158, 117 U.S.P.Q. 295, 297 (C.C.P.A. 1958) (“Where a party chooses a weak mark, his competitors may come closer to his mark than would be the case with a strong mark without violating his rights.”); *In Re Cosmetic Labs, Inc.*, 202 U.S.P.Q. 842, 845 (TTAB 1979) (added matter avoids conflict where the product marks in question “play upon commonly used ... terms”); see MCCARTHY ON TRADEMARKS at § 11.76 (1998) (“[t]he weaker a mark, the fewer junior uses that will trigger a likelihood of customer confusion”); *Claremont Polychemical Corp. v. Atlantic Powdered Metals, Inc.*, 470 F.2d 636, 637 (1972) (When a junior user has a mark that incorporates the whole of another’s mark, but the previous mark is weak or diluted, confusion is less likely and thus less weight should be afforded to that portion of the integrated mark.) A mark consisting of common words frequently used for products or services is usually found to be a weak mark. See *Carefirst of Maryland, Inc. v. First Care, P.C.*, 434 F.3d 263, 270, 77 U.S.P.Q.2d 1577 (4th Cir. 2006) (“‘The frequency of prior use of [a mark’s text] in other marks, particularly in the same field of merchandise or service,’ illustrates the mark’s lack

of conceptual strength.”) (*citation omitted*); *Citizens Financial Group, Inc. v. Citizens Nat’l Bank*, 383 F.3d 110, 123, 72 U.S.P.Q.2d 1389 (3d Cir. 2004) (“[A]s a general rule, widespread use of even a distinctive mark may weaken the mark.”); *Time, Inc. v. Petersen Publishing Co.*, 173 F.3d 113, 118, 50 U.S.P.Q.2d 1474 (2d Cir. 1999) (“The use of part or all of the mark by third parties weakens its overall strength.”); *Data Concepts, Inc. v. Digital Consulting, Inc.*, 150 F.3d 620, 625 (6th Cir. 1988).

Through pervasive use in the healthcare industry, the phrase “prescription solutions” has become diluted and is therefore weak. Here, the multiple registrations of and approvals of registration for marks incorporating the terms “PRESCRIPTION” or “SOLUTIONS” for a variety of goods and services demonstrate that consumers have learned to differentiate among these marks without confusion, making confusion unlikely in this case. Examples of such registrations include the following non-exclusive list:

Mark	Registration No.	Owner	Goods/Services
MEDCO PRESCRIPTION PLANS	3496949	Medco Health Solutions, Inc. 100 Parsons Pond Drive Franklin Lakes, NJ 07417	Class 35 - drug utilization review services; mail order and on-line pharmacy services; pharmaceutical benefit management services, namely, <b>administration of pharmacy benefit plans</b>
MR. PRESCRIPTION	2813824	Mr. Prescription, Inc. 955 Congress Park Drive Dayton, OH 45459	Class 35 - Retail drug store and retail <b>pharmacy services</b>
NDC <b>PRESCRIPTION</b> PRICE ANALYZER	2567102 Cancelled	National Data Intellectual Property Corp. One National Data Plaza Atlanta, GA 303292010	Class 8 - Providing temporary use of on-line non-downloadable software for monitoring, analyzing and reporting of <b>retail pharmacy transactions, prescription drug transactions</b> , sales patterns and pricing information
NDC <b>PRESCRIPTION</b> SALES ANALYZER	2567101 Cancelled	National Data Intellectual Property Corp. One National Data Plaza Atlanta, GA 303292010	Class 8 - Providing temporary use of on-line non-downloadable software for monitoring, analyzing and reporting of <b>retail pharmacy transactions, prescription drug transactions</b> , sales patterns and pricing information
WEB-FILL <b>PRESCRIPTION</b> REFILLS	2674868	Raley's TM, Inc. 500 West Capitol Avenue West Sacramento, CA 95852	Class 35 - Retail pharmacy services
PRESCRIPTION PATHWAY	3330056	Part D Management Services LLC 1001 Heathrow Park Lane, Suite 5001 Lake Mary, FL 32746	Class 35 - <b>Administering pharmacy reimbursement programs and services</b> ; prescription and non-prescription drug mail order services; on-line retail pharmacy services...
SERVE YOU CUSTOM <b>PRESCRIPTION</b> MANAGEMENT	2737409	Serve You Custom Prescription Management, Inc. 9051 West Heather Avenue P.O. Box 23237	Class 35 - <b>retail pharmacy services</b> , namely, dispensing prescriptions to participants in member organizations

Mark	Registration No.	Owner	Goods/Services
		Milwaukee, WI 53223	
POSTAL <b>PRESCRIPTION</b> SERVICES	2555161	Healthy Options Inc. 3800 S.E. 22nd Avenue P.O. Box 42121 Portland, OR 97202	Class 35 - pharmacy services
NATIONAL <b>PRESCRIPTION</b> DRUG COALITION	3207021	Aon Consulting, Inc. Aon Center - 8th Floor Law Department 200 East Randolph Street Chicago, IL 60601	Class 35 - Business consultation services provided to member companies in the field of <b>prescription drug cost management...</b>
AAA <b>PRESCRIPTION</b> SAVINGS	2910933	American Automobile Association, Inc. 1000 AAA Drive Heathrow, FL 32746	Class 35 - Automobile club services, namely, arranging for discounted purchase of prescription drugs
AMERIPLAN PRESCRIPTION	2740217	AMERIPLAN CORPORATION 14180 Dallas Parkway, Suite 508 Dallas, TX 75254	Class 36 - <b>Administration of discount supplemental health-care benefits</b> , namely, health-care referral benefits provided to participating members for obtaining discount prescription services
ESCALANTE <b>SOLUTIONS</b>	3313737	Longs Drug Stores California, Inc. 141 N. Civic Drive Walnut Creek, CA 94591	Class 35 - Pharmacy services, retail, mail order and online prescription refill services; prescription processing
RITE AID HEALTH <b>SOLUTIONS</b>	3747992	Name Rite, L.L.C. 27710 Jefferson Avenue, Suite 105 Temecula, CA 92590	Class 35 - <b>Pharmacy benefit management services</b> , namely, administering reimbursement programs; <b>pharmaceutical cost management</b> for the health care benefit plans of others; pharmaceutical utilization review services; claims processing of pharmaceutical benefits; business management services in the nature of <b>pharmacy management services</b> , namely, prescription drug formulary management services; retail pharmacy services; mail order of pharmaceuticals; and specialty pharmacy services, namely, the provision of special purpose pharmaceuticals
BLUE SOLUTIONS	3219611	Blue Cross and Blue Shield Association 6th Floor 225 North Michigan Avenue Chicago, IL 60601	Class 44 - <b>comprehensive health care benefit programs</b> , including those rendered through a health maintenance organization, preferred provider organization; namely physician, dental, hospital; home health care, preventive health treatment, therapy, pharmacy, and ambulatory services
PATIENT SUPPORT <b>SOLUTIONS</b>	3125169	Celgene Corporation 86 Morris Avenue Summit, NJ 07901	Class 35 - Administration of patient reimbursement programs; administering <b>pharmacy reimbursement programs</b> and services
EXTRA- STRENGTH <b>SOLUTIONS</b>	2974317	Medco Health Solutions, Inc. 100 Parsons Pond Drive Franklin Lakes, NJ 07417	Class 36 - <b>pharmaceutical benefit management services</b> ; namely, of pharmacy benefit plans
BIOCARE SOLUTIONS	2947656	Caremark International Inc. 2211 Sanders Road Northbrook, IL 60062	Class 44 - <b>Pharmacy care management services</b> to aid in the management of injectable, oral and infused drugs intended for rare, chronic and prevalent diseases

Mark	Registration No.	Owner	Goods/Services
TELEPHARMACY SOLUTIONS	3713709	Telepharmacy Solutions, Inc. 875 Woodlands Parkway Vernon Hills, IL 60062	Class 09 - Automatic dispensing systems, namely, <b>automated pharmaceutical dispensing machines</b> and automated article dispensing machines used in pharmacy-like settings for dispensing of packaged pharmaceuticals and medical products, <b>computer software for operating the automated pharmaceutical dispensing system...</b>
MEDCO RETIREE SOLUTIONS	3683609	Medco Health Solutions, Inc. 100 Parsons Pond Drive Franklin Lakes, NJ 07417	Class 44 - information services in the field of health care and pharmaceuticals as provided to pharmacy benefit management services clients, and pharmacy benefit management consultants and brokers
WELLS FARGO PHARMACY SOLUTIONS	3673929	Wells Fargo & Company 1700 Wells Fargo Center, MAC N9305-176 Sixth and Marquette Minneapolis, MN 55479	Class 35 - <b>Administering pharmacy reimbursement programs</b> and services for others; pharmaceutical cost management services and drug utilization review services for others... Class 36 - Pharmaceutical benefit management services for others
ADVOCATE RX SOLUTIONS	3200009	AmeriSource Heritage Corporation 1403 Foulk Road, Suite 106 Wilmington, DE 19803	Class 35 - <b>Temporary staffing for pharmacies</b> , namely, providing, recruiting, and retaining pharmacy personnel; and interim <b>managing of pharmacy operational and clinical functions</b>

Moreover, the very definitions of “prescription” and “solutions” support a finding that the PRESCRIPTION SOLUTIONS mark is weak. A prescription is “a written direction for a therapeutic or corrective agent”; specif: one for the . . . use of a medicine” or “a prescribed medicine.” *Merriam-Webster’s Collegiate Dictionary*, 10th Ed. 1993. Indeed, in 2009, the average consumer in the U.S. spent approximately \$979 on prescription drugs. Report on sales of Prescription drugs in U.S. in 2009, *available at* <http://www.imshealth.com/portal/site/imshealth/menuitem.a46c6d4df3db4b3d88f611019418c22a/?vgnextoid=d690a27e9d5b7210VgnVCM100000ed152ca2RCRD>; *see also* U.S. Census Bureau, Statistical Abstract of the United States: 2009, Section 1. This is evidence that the word prescription is a common word, frequently used for prescription drug products and services. Similarly, a solution is “an action of process of solving a problem.” *Merriam-Webster’s Collegiate Dictionary*, 10th Ed. 1993. Like prescription, “solutions” is also a common element of a name for a service or corporation, albeit less routinely used than its mark counterpart. For example, the term “solutions” is a component of the title of a numerous corporations in the U.S. and Canada. *See, e.g.*, Attachment C showing some of the publicly traded companies that include the term “solutions” as part of their corporate name. Thus, the use of the term “solutions” in conjunction with other terms is likewise common

in the mind of a consumer.

Accordingly, the PRESCRIPTION SOLUTIONS mark is weak and should be given less weight in the *DuPont* analysis. Like the marks in *Claremont*, INTEGRATED PRESCRIPTION SOLUTIONS & Design and PRESCRIPTION SOLUTIONS share a common ending that is weak. *See Claremont*, 470 F.2d at 637 (holding that “[t]he designations “DURAGOLD” and “EVERGOLD” resemble one another in that they are highly suggestive of the color and wearing ability of the products upon which they are employed. They also incorporate the identical suffix ending. Despite these similarities, considering the inherent weakness in the marks, we are convinced that the manifest differences in sound and appearance are of such character as to be unlikely to cause prospective purchasers to assume that the goods originate from the same source.”). This weakness, combined with the manifest difference in sight, sound and connotation between the two marks makes it unlikely that consumers would assume that goods or services offered for sale under the INTEGRATED PRESCRIPTION SOLUTIONS & Design mark came from the same source as those sold under the PRESCRIPTION SOLUTIONS mark.

In sum, when each aspect of INTEGRATED PRESCRIPTION SOLUTIONS & Design is given the appropriate weight in a *DuPont* analysis, the overall impression of the mark is different from the registered marks. Because PRESCRIPTION SOLUTIONS is a weak mark, the addition of the modifying word INTEGRATED is more than sufficient to prevent confusion among consumers.

### III. CONCLUSION

For the reasons set forth hereinabove, Applicant submits that there is no likelihood of confusion between Applicant’s mark and the cited marks and that Applicant’s mark is not “merely descriptive.” Accordingly, Applicant’s mark is entitled to registration.

The Board is therefore respectfully requested to reverse the Examiner’s decision refusing registration of Applicant’s mark.

Dated: May 2, 2011

STRADLING YOCCA CARLSON & RAUTH

By: Douglas Q. Hahn/  
Douglas Q. Hahn  
Joseph J. Mellema  
Attorneys for Appellant Integrated  
Prescription Solutions, Inc.



EVIDENCE

Evidence is attached in the nature of:

Attachment A – Registrations for the following marks: INTEGRATED CONSULTANTS, INTEGRATED MEDIA MANAGEMENT, INTEGRATED MOTION AND VISION and INTEGRATED BROKERAGE SOLUTIONS.

Attachment B – Registration for INTEGRATED CLINICAL DEVELOPMENT mark.

Attachment C – Website Printout – NYSE

Attachment D – Website Printout – Integrated Prescription Solutions “About Us” Page

Attachment E – Website Printout – Cited Marks “About Us”

Attachment F – Cited Marks

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2010-12-29 19:45:01 ET**

**Serial Number:** 85132297 Assignment Information      Trademark Document Retrieval

**Registration Number:** (NOT AVAILABLE)

**Mark**

## INTEGRATED CONSULTANTS

**(words only):** INTEGRATED CONSULTANTS

**Standard Character claim:** Yes

**Current Status:** Approved by the examining attorney for publication for opposition. This is NOT the beginning of the Opposition period. In approximately two months, please visit the web site to learn the actual date of publication for opposition in the Trademark Official Gazette.

**Date of Status:** 2010-12-28

**Filing Date:** 2010-09-17

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 117

**Attorney Assigned:**  
EVANKO PATRICIA MALESARDI

**Current Location:** M8X -Law Office 117 - Examining Attorney Assigned

**Date In Location:** 2010-12-28

---

### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. Aberizk, David K.

**Address:**

Aberizk, David K.  
548 I Avenue  
Coronado, CA 921181627  
United States  
**Legal Entity Type:** Individual  
**Country of Citizenship:** United States

---

**GOODS AND/OR SERVICES**

---

**International Class:** 042  
**Class Status:** Active  
Engineering services and technical consultation in the fields of electrical, mechanical, chemical, structural, industrial, aerospace and nuclear engineering and information and communications networks  
**Basis:** 1(a)  
**First Use Date:** 2000-08-01  
**First Use in Commerce Date:** 2000-08-01

---

**ADDITIONAL INFORMATION**

---

**Disclaimer:** "CONSULTANTS"

**Prior Registration Number(s):**  
3107760

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2010-12-28 - Approved for Pub - Principal Register (Initial exam)

2010-12-28 - Examiner's Amendment Entered

2010-12-28 - Notification Of Examiners Amendment E-Mailed

2010-12-28 - Examiners amendment e-mailed

2010-12-28 - Examiners Amendment -Written

2010-12-27 - Assigned To Examiner

2010-09-29 - Applicant amendment prior to exam entered

2010-09-29 - Assigned To LIE

2010-09-23 - TEAS Voluntary Amendment Received

2010-09-22 - New Application Office Supplied Data Entered In Tram

2010-09-21 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Barry F. Soalt

**Correspondent**

BARRY F. SOALT

PROCOPIO CORY HARGREAVES & SAVITCH LLP

525 B ST STE 2200

SAN DIEGO, CA 92101-4474

Phone Number: 619 525 3865

Fax Number: 619 235 0398

---

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**Serial Number:** 78633777 Assignment Information      Trademark Document Retrieval

**Registration Number:** 3254832

**Mark**

**INTEGRATED MEDIA  
MANAGEMENT**

**(words only):** INTEGRATED MEDIA MANAGEMENT

**Standard Character claim:** Yes

**Current Status:** Registered.

**Date of Status:** 2007-06-26

**Filing Date:** 2005-05-20

**Transformed into a National Application:** No

**Registration Date:** 2007-06-26

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 107

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2007-06-26

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Integrated Media Management

**Composed Of:**

Charles Klein, U. S. Citizen; John A. Levy, U.S. Citizen; Shari J. Klein Katz, U.S. Citizen

**Address:**

Integrated Media Management  
330 Dalziel Road Linden  
Linden, NJ 07036  
United States

**Legal Entity Type:** Limited Liability Company  
**State or Country Where Organized:** New Jersey

---

**GOODS AND/OR SERVICES**

---

**International Class:** 042

**Class Status:** Active

Consultation services in the fields of selection, implementation and use of computer hardware and software systems for automated document management for others

**Basis:** 1(a)

**First Use Date:** 1996-12-00

**First Use in Commerce Date:** 1996-12-00

---

**ADDITIONAL INFORMATION**

---

**Disclaimer:** "MANAGEMENT"

**Section 2(f)**

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-09-08 - Attorney Revoked And/Or Appointed

2010-09-08 - TEAS Revoke/Appoint Attorney Received

2007-06-26 - Registered - Principal Register

2007-04-10 - Published for opposition

2007-03-21 - Notice of publication

2007-02-24 - Law Office Publication Review Completed

2007-02-13 - Approved for Pub - Principal Register (Initial exam)

2007-02-12 - Examiner's Amendment Entered

2007-02-12 - Assigned To LIE

2007-02-09 - EXAMINERS AMENDMENT E-MAILED

2007-02-09 - Examiners Amendment -Written  
2007-01-17 - Final refusal e-mailed  
2007-01-17 - Final Refusal Written  
2006-12-20 - Teas/Email Correspondence Entered  
2006-12-19 - Communication received from applicant  
2006-12-19 - TEAS Response to Office Action Received  
2006-07-17 - NON-FINAL ACTION E-MAILED  
2006-07-17 - Non-Final Action Written  
2006-07-14 - Assigned To Examiner  
2006-05-31 - Teas/Email Correspondence Entered  
2006-05-22 - Communication received from applicant  
2006-05-22 - TEAS Response to Office Action Received  
2006-01-05 - Non-final action e-mailed  
2006-01-05 - Non-Final Action Written  
2005-12-14 - Assigned To Examiner  
2005-05-31 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Philip Braginsky

**Correspondent**

Docketing

Sills Cummis &amp; Gross P.C.

Intellectual Property Department

One Rockefeller Plaza

New York NY 10020

Phone Number: 212-643-7000

Fax Number: 212-643-6500

---

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**Serial Number:** 78727187 Assignment Information      Trademark Document Retrieval

**Registration Number:** 3559023

**Mark**

**INTEGRATED MOTION AND  
VISION**

**(words only):** INTEGRATED MOTION AND VISION

**Standard Character claim:** Yes

**Current Status:** Registered.

**Date of Status:** 2009-01-06

**Filing Date:** 2005-10-05

**Transformed into a National Application:** No

**Registration Date:** 2009-01-06

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 111

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2008-12-01

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

**1. GEODIGM CORPORATION**

**Address:**

GEODIGM CORPORATION  
1630 LAKE DRIVE WEST



CHANHASSEN, MN 55317  
United States  
**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** Minnesota

---

**GOODS AND/OR SERVICES**

---

**International Class:** 009  
**Class Status:** Active  
Computer hardware and software for use as a scanning system to create three-dimensional computer images of objects  
**Basis:** 1(a)  
**First Use Date:** 2008-05-16  
**First Use in Commerce Date:** 2008-05-16

---

**ADDITIONAL INFORMATION**

---

**Disclaimer:** "VISION"

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

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**PROSECUTION HISTORY**

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2009-01-06 - Registered - Principal Register  
2008-12-01 - Law Office Registration Review Completed  
2008-11-28 - Allowed for Registration - Principal Register (SOU accepted)  
2008-11-19 - Examiner's Amendment Entered  
2008-11-19 - Notification Of Examiners Amendment E-Mailed  
2008-11-19 - EXAMINERS AMENDMENT E-MAILED  
2008-11-19 - SU-Examiner's Amendment Written  
2008-11-12 - Statement Of Use Processing Complete  
2008-11-06 - Use Amendment Filed  
2008-11-07 - Case Assigned To Intent To Use Paralegal

2008-11-06 - TEAS Statement of Use Received  
2008-05-21 - Extension 2 granted  
2008-05-21 - Extension 2 filed  
2008-05-21 - TEAS Extension Received  
2008-01-17 - Extension 1 granted  
2007-11-22 - Extension 1 filed  
2008-01-10 - Extension Received With TEAS Petition  
2008-01-10 - Petition To Revive-Granted  
2008-01-10 - TEAS Petition To Revive Received  
2008-01-02 - Abandonment Notice Mailed - No Use Statement Filed  
2007-12-19 - Abandonment - No use statement filed  
2007-05-22 - NOA Mailed - SOU Required From Applicant  
2007-02-27 - Published for opposition  
2007-02-07 - Notice of publication  
2007-01-05 - Law Office Publication Review Completed  
2007-01-05 - Assigned To LIE  
2006-12-13 - Approved For Pub - Principal Register  
2006-11-15 - Amendment From Applicant Entered  
2006-10-11 - Communication received from applicant  
2006-10-11 - PAPER RECEIVED  
2006-04-10 - Non-final action e-mailed  
2006-04-10 - Non-Final Action Written  
2006-04-07 - Assigned To Examiner  
2005-10-11 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

GARRETT M. WEBER

**Correspondent**

GARRETT M. WEBER

LINDQUIST & VENNUM P.L.L.P.

4200 IDS CENTER, 80 SO. 8TH ST.

MINNEAPOLIS MN 55402

Phone Number: 612/371-3911

Fax Number: 612/371-3907

---

**Thank you for your request. Here are the latest results from the TARR web server.**

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**Serial Number:** 85019213 Assignment Information      Trademark Document Retrieval

**Registration Number:** (NOT AVAILABLE)

**Mark**

## INTEGRATED CLINICAL DEVELOPMENT

**(words only):** INTEGRATED CLINICAL DEVELOPMENT

**Standard Character claim:** Yes

**Current Status:** Opposition period completed, a Notice of Allowance has been issued.

**Date of Status:** 2010-12-07

**Filing Date:** 2010-04-21

**The Notice of Allowance Date is:** 2010-12-07

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 116

**Attorney Assigned:**  
SHANAHAN WILLIAM PATRICK

**Current Location:** 700 -Intent To Use Section

**Date In Location:** 2010-12-07

---

### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. Integrated Medical Development, LLC

**Address:**

Integrated Medical Development, LLC  
34 Berkshire Drive  
Princeton Junction, NJ 08550  
United States  
**Legal Entity Type:** Limited Liability Company  
**State or Country Where Organized:** New Jersey  
**Phone Number:** 609.651.7067

---

**GOODS AND/OR SERVICES**

---

**International Class:** 042  
**Class Status:** Active  
PRODUCT DEVELOPMENT CONSULTATION IN THE FIELD OF MEDICAL DEVICES,  
PHARMACEUTICALS AND CLINICAL PLAN EXECUTION TOOLS  
**Basis:** 1(b)  
**First Use Date:** (DATE NOT AVAILABLE)  
**First Use in Commerce Date:** (DATE NOT AVAILABLE)

---

**ADDITIONAL INFORMATION**

---

**Disclaimer:** "CLINICAL DEVELOPMENT"

**Prior Registration Number(s):**  
3536396  
3536397

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2010-12-07 - NOA E-Mailed - SOU Required From Applicant

2010-10-12 - Notice Of Publication E-Mailed

2010-10-12 - Published for opposition

2010-09-09 - Law Office Publication Review Completed

2010-09-09 - Assigned To LIE

2010-08-26 - Approved For Pub - Principal Register

2010-08-26 - Examiner's Amendment Entered

2010-08-26 - Notification Of Examiners Amendment E-Mailed

2010-08-26 - EXAMINERS AMENDMENT E-MAILED

2010-08-26 - Examiners Amendment -Written

2010-08-05 - Notification Of Non-Final Action E-Mailed

2010-08-05 - Non-final action e-mailed

2010-08-05 - Non-Final Action Written

2010-07-30 - Assigned To Examiner

2010-04-26 - New Application Office Supplied Data Entered In Tram

2010-04-24 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Lionel J. Frank

**Correspondent**

LIONEL J. FRANK

SZAFERMAN, LAKIND, BLUMSTEIN & BLADER, P

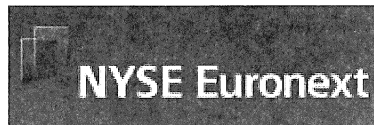
101 GROVERS MILL RD STE 200

LAWRENCEVILLE, NJ 08648-4706

Phone Number: 609.275.0400

Fax Number: 609.275.4511

---


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### Symbol Lookup

Enter the full name or partial company name to retrieve its ticker symbol. You may search for multiple symbols by separating them with a comma.

☒ Company Name

☐ Ticker Symbol



### 34 companies found

Name	Symbol
Allscripts Healthcare Solutions, Inc.	MDRX
Altisource Portfolio Solutions S.a.	ASPS
Arc Wireless Solutions, Inc.	ARCW
B.o.s. Better Online Solutions	BOSC
Blackrock Ecosolutions Investment Trust	BQR
Bluephoenix Solutions, Ltd.	BPHX
Broadridge Financial Solutions	BR
Catalyst Health Solutions, Inc	CHSI
Cognizant Technology Solutions Corporation	CTSH
Emergent Biosolutions	EBS
Energysolutions	ES
Express-1 Expedited Solutions Inc.	XPO
Flexible Solutions International Inc.	FSI
Fuel Systems Solutions, Inc.	FSYS
Helix Energy Solutions Group	HLX
Innovative Solutions And Support, Inc.	ISSC
Integrated Silicon Solution, Inc.	ISSI
Kingtone Wirelesinfo Solution Holding Ltd	KONE
Kratos Defense & Security Solutions, Inc.	KTOS
L-1 Identity Solutions	ID
Medco Health Solutions Inc.	MHS
Medidata Solutions, Inc.	MDSO
Mer Telemanagement Solutions Ltd.	MTSL
Moduslink Global Solutions, Inc	MLNK
Motorola Solutions, Inc.	MSIWI
Omnova Solutions Inc.	OMN
Pdf Solutions, Inc.	PDFS
Skyworks Solutions, Inc.	SWKS
Sonic Solutions	SNIC

<b>Streamline Health Solutions, Inc.</b>	STRM
<b>Sxc Health Solutions Corp.</b>	SXCI
<b>Sypris Solutions, Inc.</b>	SYPR
<b>Vascular Solutions, Inc.</b>	VASC
<b>World Energy Solutions Inc (de)</b>	XWES



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https://www.integratedprescriptionsolutions.com/ integrated prescription solutions

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**Jan Frank to Become President of Zenith March 15**  
Jan Frank to Become President of Zenith March 15
- ❖ **1-13-10**  
**Paterson Appoints Former Hedge-Fund Attorney to Top SWCB Post**  
Paterson Appoints Former Hedge-Fund Attorney to Top SWCB Post

**Integrated Prescription Solutions (IPS)** is a Pharmacy Benefit Management (PBM) and Ancillary Services partner to W/C and Auto (PIP) Insurance carriers, Self Insured Employers, and Third Party Administrators who specialize in Workers Compensation benefits management.

IPS has a comprehensive suite of PBM services structured to provide the highest quality prescription health services at cost containment prices while streamlining and simplifying the claims management process for adjusters. IPS also provides ancillary healthcare services to injured workers and policyholders in need of durable medical equipment and supplies, home healthcare, home therapy including physical, occupational, and speech, and transportation and language services through a single touch point. [More Info](#)

- ❖ Pharmacy Benefit Management
- ❖ Durable Medical Equipment
- ❖ Home Health Equipment
- ❖ Home Therapy Services
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 **Free Pharmacy Cost Comparison Analysis**

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Company - Windows Internet Explorer

http://www.integratedprescriptionsolutions.com/company

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**Integrated Prescription Solutions (IPS)** is a Pharmacy Benefit Management (PBM) and Ancillary Services partner to W/C and Auto (PIP) Insurance carriers, Self Insured Employers, and Third Party Administrators who specialize in Workers Compensation benefits management.

IPS has a comprehensive suite of PBM services structured to provide the highest quality prescription health services at cost containment prices while streamlining and simplifying the claims management process for adjusters. IPS also provides ancillary healthcare services to injured workers and policyholders in need of durable medical equipment and supplies, home healthcare, home therapy including physical, occupational, and speech, and transportation and language services through a single touch point.

**Overview of the Workers' Compensation Market**

Workers' compensation is a form of insurance that provides compensation medical care for employees who are injured in the course of employment, in exchange for mandatory relinquishment of the employee's right to sue his or her employer for the tort of negligence.

Over the past decade, workers' compensation medical costs have steadily increased and now represent over half of total insurance carrier losses. Although claims volume has decreased, severity has increased, resulting in the need to balance quality of care for injured workers with cost containment benefits to stakeholders. The chart and accompanying figures below show total medical spending for workers' compensation claims by category in 2008.

**W/C Medical Dollar Allocation**

Category	Percentage
Hospitals/Physician	21%
Physical Medicine	14%
Pharmacy	9%
Diagnostic	8%
DME/Home Health	8%
Cost Containment (UR)	4%

Hospitals & Physicians: \$18.4 billion  
 Physical Medicine: \$3.8 billion  
 Pharmacy: \$6.0 billion  
 Diagnostic Services: \$3.2 billion  
 DME/Home Healthcare: \$3.2 billion  
 Cost Containment (UR): \$1.8 billion

start

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Company - Windows ...

Internet

100%

1:25 PM

PrescriptionSolutions.com - About Prescription Solutions - Windows Internet Explorer

PS https://www.prescriptionsolutions.com/RxSolWeb/mvc/StaticContent.do?landingPage=true&pageName=About%20Us&pageTitle=rxsol/chp/rx-solutions\_com/consumer/about... rx solutions

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PS PrescriptionSolutions.com - About Prescription Solutions

PrescriptionSolutions<sup>®</sup>  
A UnitedHealth Group Company

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## ABOUT US

**Welcome to Prescription Solutions**

Prescriptions Solutions is more than just a mail order pharmacy. We are a focused, collaborative, and innovative leader in the pharmacy benefit management (PBM) industry. Today, we serve more than 10 million people through our state-of-the-art mail service pharmacies and a national network of more than 64,000 community pharmacies. We manage prescription drug benefits of commercial, Medicare, and government health plans, and those of employers and unions.

To learn more about Prescription Solutions, our award-winning mail order pharmacy, and how we bring you the medications you need, at your convenience, please explore the links at right.

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[Click here](#)

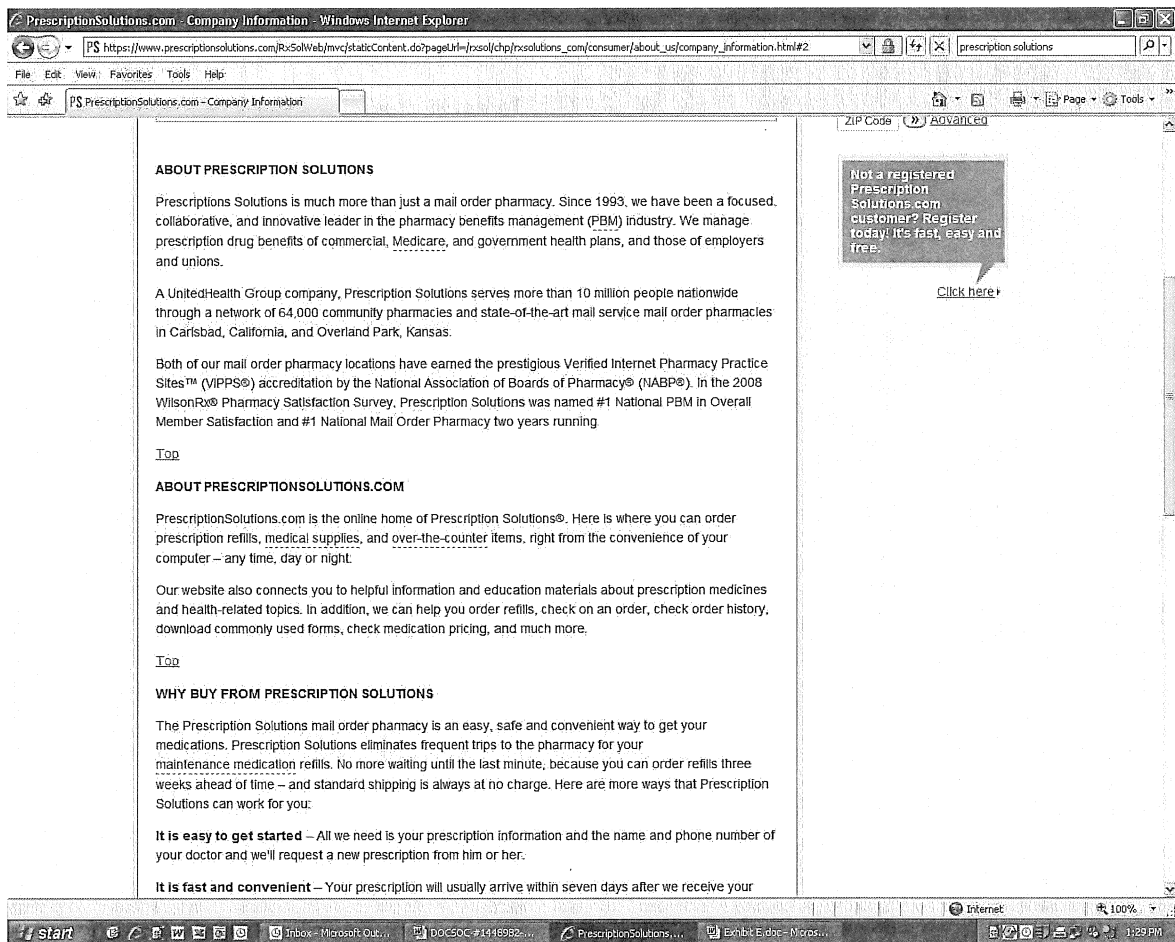
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## ORDER MEDICAL SUPPLIES: MEDICARE PART B

### Medical supplies you need from people you trust

Prescription Solutions offers top quality, brand-name medical supplies to Medicare Part B participants. You can trust our caring experts for the products and information you need to take charge of your health.

We offer the best quality diabetes testing supplies, diabetes medication, respiratory supplies and respiratory medications. You will also find excellent self-care resources that can help you make the most of your health.

In addition, you will have no out-of-pocket costs on qualified orders, no-charge home delivery, convenient reorder reminder calls and Medicare claims filing.\*

**Do you have Medicare Part B?** If yes, place your medical supply order today! Order online or call toll-free 1.800.788.4863.

*\*Medicare Part B reimburses up to 80%, and most Medicare Supplement insurance plans pay up to the remaining 20%. Void where prohibited. Medicare Advantage plans pay 70-100% depending on your coverage. Deductibles, copays and coinsurance may apply. Your cost for testing supplies purchased through Prescription Solutions is dependent upon your plan's eligibility; call your plan or check your Evidence of Coverage to see if your plan qualifies. Prescription Solutions takes assignment, which means we accept direct reimbursement from Medicare.*

#### Choose a Topic

- [Diabetes Testing Supplies](#)
- [Respiratory Supplies](#)
- [Respiratory Medications](#)
- [Self-Care Resources](#)

CART (0) \$0.00

#### QUICK LINKS

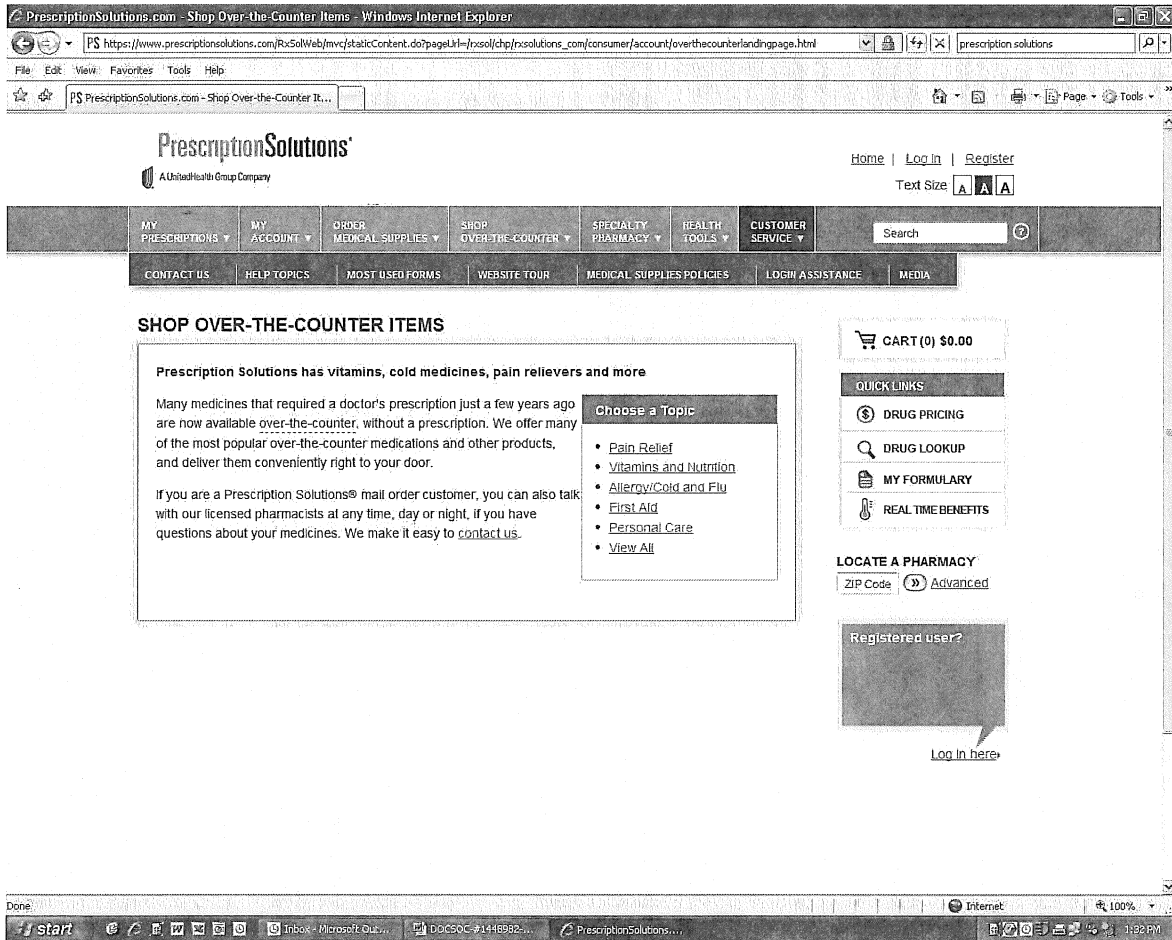
- DRUG PRICING
- DRUG LOOKUP
- MY FORMULARY
- REAL TIME BENEFITS

#### LOCATE A PHARMACY

ZIP Code Advanced

Our new household/caregiver access lets you manage the prescriptions for your family. Find out more.

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PS https://www.prescriptionsolutions.com/RxSolWeb/mvc/specialtyPharmacy.do

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MY PRESCRIPTIONS MY ACCOUNT ORDER MEDICAL SUPPLIES SHOP OVER THE COUNTER SPECIALTY PHARMACY HEALTH TOOLS CUSTOMER SERVICE

GETTING STARTED PROGRAMS AND SERVICES CONDITIONS AND THERAPIES PRIOR AUTHORIZATION SAFETY ALERTS

**SPECIALTY PROGRAMS**

Specialty Pharmacy provides you with comprehensive and coordinated delivery and support services related to high-cost oral or injectable medications, which are used to treat complex chronic conditions. We are your single source for high-touch patient care management to control side effects, patient support and education to ensure compliance or continued treatment analysis, and specialized handling and distribution of medications directly to the patient or care provider. Specialty medications may be covered under either the medical or pharmacy benefit.

**Choose a Topic:**

- [Getting Started](#)
- [Programs and services](#)
- [Conditions and Therapies](#)
- [Prior Authorization](#)
- [Safety Alerts](#)

**CART (0) \$0.00**

**QUICK LINKS**

- [DRUG PRICING](#)
- [DRUG LOOKUP](#)
- [MY FORMULARY](#)
- [REAL TIME BENEFITS](#)

**LOCATE A PHARMACY**

ZIP Code [Advanced](#)

We want to hear from you! Questions, comments or suggestions?

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Print: Jul 2, 2010

76107232

**TYPED DRAWING**

**Serial Number**

76107232

**Status**

REGISTERED

**Word Mark**

RXSOLUTIONS

**Standard Character Mark**

No

**Registration Number**

2847829

**Date Registered**

2004/06/01

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

PacifiCare Health Systems, Inc. CORPORATION DELAWARE 3120 Lake Center Drive Santa Ana CALIFORNIA 92704

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: MANAGED HEALTH CARE SERVICES; HOME HEALTH CARE SERVICES; HEALTH CARE SERVICES, NAMELY PROVIDING PERSONALIZED HEALTH RISK ASSESSMENTS. First Use: 2004/02/23. First Use In Commerce: 2004/02/23.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: RETAIL PHARMACY SERVICES; PROVIDING ON-LINE RETAIL PHARMACY SERVICES. First Use: 2004/02/23. First Use In Commerce: 2004/02/23.

**Goods/Services**

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: ADMINISTRATION OF A PRESCRIPTION DRUG BENEFIT PLAN. First Use: 2004/02/23. First Use In Commerce: 2004/02/23.

**Prior Registration(s)**

1888829;1917044



**Print: Jul 2, 2010**

**76107232**

**Filing Date**

2000/08/09

**Examining Attorney**

AXILBUND, MELVIN

**Attorney of Record**

Rod S. Berman

Print: Jul 2, 2010

76120652

**DESIGN MARK**

**Serial Number**

76120652

**Status**

PARTIAL SECTION 8 & 15 ACCEPTED AND ACKNOWLEDGED

**Word Mark**

RX PRESCRIPTION SOLUTIONS

**Standard Character Mark**

No

**Registration Number**

2832357

**Date Registered**

2004/04/13

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

PACIFICARE HEALTH SYSTEMS, LLC LIMITED LIABILITY COMPANY DELAWARE 5995  
PLAZA DRIVE CYPRESS CALIFORNIA 90630

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Managed health care services; home health care services; health care services, namely providing personalized health risk assessments. First Use: 2001/01/01. First Use In Commerce: 2001/01/01.

**Goods/Services**

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Administration of a prescription drug benefit plan. First Use: 2001/01/01. First Use In Commerce: 2001/01/01.

**Goods/Services**

Class Status -- SECTION 8 - CANCELLED. IC 035. US 100 101 102. G & S: [ Retail pharmacy services; providing on-line retail pharmacy services]. First Use: 2001/01/01. First Use In Commerce: 2001/01/01.

**Prior Registration(s)**

1888829;1917044

**Print: Jul 2, 2010**

**76120652**

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RX" and "PRESCRIPTION"  
APART FROM THE MARK AS SHOWN.

**Filing Date**

2000/08/31

**Examining Attorney**

AXILBUND, MELVIN

**Attorney of Record**

Richard J. Groos



**Print: Jul 2, 2010**

**76120653**

**DESIGN MARK**

**Serial Number**

76120653

**Status**

REGISTERED

**Word Mark**

RXSOLUTIONS

**Standard Character Mark**

No

**Registration Number**

2847841

**Date Registered**

2004/06/01

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

PacifiCare Health Systems, Inc. CORPORATION DELAWARE 3120 LAKE CENTER  
DRIVE Santa Ana CALIFORNIA 92704

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Managed health  
care services; home health care services; health care services, namely  
providing personalized health risk assessments. First Use:  
2004/02/23. First Use In Commerce: 2004/02/23.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Retail  
pharmacy services; providing on-line retail pharmacy services. First  
Use: 2004/02/23. First Use In Commerce: 2004/02/23.

**Goods/Services**

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S:  
Administration of a prescription drug benefit plan. First Use:  
2004/02/23. First Use In Commerce: 2004/02/23.

**Prior Registration(s)**

1888829;1917044

**Print: Jul 2, 2010**

**76120653**

**Disclaimer Statement**

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**Filing Date**

2000/08/31

**Examining Attorney**

AXILBUND, MELVIN

**Attorney of Record**

Rod S. Berman



**Print: Jul 2, 2010**

**76389570**

**DESIGN MARK**

**Serial Number**

76389570

**Status**

REGISTERED

**Word Mark**

PHARMACY BENEFIT INSIDER

**Standard Character Mark**

No

**Registration Number**

2889680

**Date Registered**

2004/09/28

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

PacifiCare Health Systems, Inc. CORPORATION DELAWARE 3120 Lake Center Drive Santa Ana CALIFORNIA 92704

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: PUBLICATION OF NEWSLETTERS RELATING TO PHARMACY PRESCRIPTION DRUG BENEFITS; PROVIDING ONLINE ELECTRONIC NEWSLETTERS RELATING TO PHARMACY PRESCRIPTION DRUG BENEFITS. First Use: 2002/03/01. First Use In Commerce: 2002/03/01.

**Goods/Services**

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: PROVIDING INFORMATION ABOUT PHARMACY PRESCRIPTION DRUG BENEFIT PLANS VIA THE INTERNET. First Use: 2002/03/01. First Use In Commerce: 2002/03/01.

**Goods/Services**

Class Status -- ACTIVE. IC 044. US 100 101. G & S: PROVIDING HEALTH INFORMATION. First Use: 2002/03/01. First Use In Commerce: 2002/03/01.

**Disclaimer Statement**



**Print: Jul 2, 2010**

**76389570**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PHARMACY BENEFIT"  
APART FROM THE MARK AS SHOWN.

**Filing Date**

2002/03/29

**Examining Attorney**

ALTREE, NICHOLAS

**Attorney of Record**

Rod S. Berman, Esq.